

B. Rejections Under 35 U.S.C. §102

Claims 1-4, 6-7 and 27-28 are rejected under 35 U.S.C. §§102(a) and (e) as being anticipated by U.S. Patent No. 6,246,996 issued to Stein, et al. ("Stein"). Applicants respectfully traverse this rejection.

It is well known that when rejecting claims, an Examiner must direct an Applicant to the relevant portions of cited art and explain the applicability of the pertinent portions of cited art to an Applicant's claims. "In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." (37 C.F.R. §1.104(c)(2)) (Emphasis added)

The Final Office Action merely repeats the rejection insufficiently asserted in the October Office Action. The Final Office Action, as is the case with the October Office Action, makes a single, simple statement that claims 1-4, 6-7 and 27-28 are clearly anticipated by Stein without providing any specific references to where in Stein any of the limitations recited in the claims are taught.

Now, in the Advisory Action mailed June 14, 2002, it is stated that Stein clearly teaches fraud detection, as shown in element 196 in which card validity is checked, which is fraud detection. This statement is at best an insufficient attempt to meet the obligations required by the patent laws and the MPEP which have not been met in prior Office Actions.

Even if *in arguendo* Stein teaches detecting fraud, the Office Actions to date have failed to meet the burden of showing where Stein teaches the other limitations recited in claim 1. The Office Actions have failed to provide any specific reference to where Stein teaches "receiving a sale information" as recited in claim 1. The Office Actions have failed to provide any specific reference to where Stein teaches "receiving a payment information from a buyer" as recited in claim 1. The Office Actions have failed to provide any specific reference to where Stein teaches "analyzing a transaction information for fraud" as recited in claim 1. The Office Actions have also failed to provide any specific reference to where Stein teaches "if the analyzing indicates fraud, communicating an enhanced transaction information to a human for manual fraud analysis" as recited in amended claim 1.

As to the assertion that Stein teaches fraud detection by its discussion of element 196 and card validity, Applicants respond that Stein merely teaches a credit card network that includes component 196 that initially checks the validity of a buyer's credit card number to determine whether the credit card is lost, stolen, expired, over limit, etc. (Stein, col. 10, lines 14-17). This is a mere validity check and does not teach "performing automated analysis of a transaction information to detect whether the transaction information indicates fraud" as recited by Applicants in amended claim 1, particularly as read in view of the specification. (See, *e.g.*, Specification, p. 16, line 8 - p. 19, line 14).

Applicants reiterate their request (originally made in response to the October Office Action) for identification of those portions of Stein which the Examiner asserts teach each of the limitations claimed by Applicants. Applicants request the provision of citations to particular column numbers and line numbers of locations in the cited art where it is alleged that all of the limitations recited in the claims are taught. Because of the failure to provide specific citations to Stein in support of this rejection, a *prima facie* case of anticipation has not been established. (37 C.F.R. §1.104(c)(2)) Claims 1-4, 6-7 and 27-28 are therefore patentable over Stein.

C. Rejections Under 35 U.S.C. §103

Claims 5, 8-26 and 29-39 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stein in view of either U.S. Patent No. 5,819,226 issued to Gopinathan ("Gopinathan") or U.S. Patent No. 6,094,643 issued to Anderson, et al. ("Anderson"). Applicants respectfully traverse this rejection.

An Office Action that includes an obviousness rejection is required to sufficiently communicate the basis for the rejection, including specific citations to the referenced art. ("[T]he examiner should set forth in the Office action: (A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s)." MPEP §706.02(j)) The Office Actions to date have failed to meet the burden of proof required to establish a *prima facie* obviousness rejection. The rejections in the Office Actions to date refer to Stein and assert that those limitations not taught by Stein are disclosed in Gopinathan or Anderson. The Office Actions to date fail to cite portions of Stein, Gopinathan and Anderson to support assertions that claims 5, 8-26 and 29-39 are rendered obvious by the referenced art. As such, the Office Actions fail to explain how the referenced art teaches or suggests any of the limitations recited in claims 5, 8-26 and 29-39.

To the extent the Advisory Action asserts that Stein recites detecting fraud, the arguments above in Section B are incorporated herein. Further, the Office Actions to date, including the Advisory Action have failed to provide specific reference to where Gopinathan and Anderson teach or suggest "a method for detecting fraud when facilitating a payment transaction over a global wide area network" as recited in claim 1. In addition, the Office Actions have failed to provide any specific reference to where any of Stein, Gopinathan and Anderson teach or suggest "receiving a sale information" as recited in claim 1. The Office Actions have failed to provide any specific reference to where any of Stein, Gopinathan and Anderson teach or suggest "receiving a payment information from a buyer" as recited in claim 1. The Office Actions have failed to provide any specific reference to where any of Stein, Gopinathan and Anderson teach or suggest "analyzing a transaction information for fraud" as recited in claim 1. The Office Actions have also failed to provide any specific reference to where any of Stein, Gopinathan and Anderson teach or suggest "if the analyzing indicates fraud, communicating an enhanced transaction information to a human for manual fraud analysis" as recited in amended claim 1.


Applicants hereby maintain and reiterate their request (originally made in response to the October Office Action) that those limitations of the claims that are asserted are taught or suggested in the referenced art be sufficiently communicated to Applicants as required by the MPEP and the CFR. (See MPEP §706.02(j)) Applicants request that citations to particular column numbers and line numbers of locations in the cited art where it is asserted each of the limitations recited in the claims is taught or suggested be provided. Because of the failure to establish a *prima facie* case of obviousness, claims 5, 8-26 and 29-39 are patentable over the referenced art.

**CONCLUSION**

If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

Respectfully submitted,  
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Dated: June 26, 2002

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*I hereby certify that this correspondence is being  
deposited with the United States Postal Service as first  
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Assistant Commissioner for Patents, Washington, D.C.  
20231 on June 26, 2002.*

  
Margaux Rodriguez June 26, 2002



VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

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The claims have been amended as follows:

1. (Amended) A method for detecting fraud when facilitating a payment transaction over a global wide area network, the method comprising:

receiving a sale information;

receiving a payment information from a buyer;

performing automated analysis of [analyzing] a transaction information to detect whether the transaction information indicates [for] fraud; and

if the [analyzing] automated analysis detects [indicates] fraud, communicating an enhanced transaction information to a human for manual fraud analysis.

8. (Amended) The method of Claim 1 wherein [analyzing] performing automated analysis comprises:

performing rule-based analyses.

10. (Amended) The method of Claim 9 wherein performing rule-based analyses [comprises] further comprises:

creating the enhanced transaction information if the score exceeds a predefined threshold such that the enhanced transaction information comprises a tracking number, the score, and a violated rule information.

27. (Amended) A machine readable medium having stored thereon instructions which when executed by a processor cause the machine to perform operations comprising:

receiving a sale information;

receiving a payment information from a buyer;

performing automated analysis of [analyzing] a transaction information [for] to detect whether the transaction information indicates fraud; and

if the [analyzing] automated analysis detects [indicates] fraud, communicating an enhanced transaction information to a human for manual fraud analysis.

32. (Amended) The machine readable medium of Claim 27 wherein [analyzing] performing automated analysis comprises:

performing rule-based analyses.